

School Council By-Laws

Commonwealth Elementary School

The Kentucky Department of Education recommends that SBDM councils have by-laws, and has created this **sample** set of *Commonwealth Elementary School By-Laws* to serve as an example of good practices and procedures

ARTICLE I. PURPOSE

The purpose of the Commonwealth Elementary School Council is to address the academic, social and emotional needs of our students in order to set school policy that will enhance student achievement and help each student meet the goals established by the school council, consistent with state law. The school council will assess, monitor, and evaluate the policies and programs of Commonwealth Elementary School.

ARTICLE II. MISSION

Our mission as the faculty, staff and parents of Commonwealth Elementary School is to enable and assist each student in achieving established program, grade, or subject area objectives necessary to be successful in the next grade or program level. We accept this responsibility and will achieve it by teaching all students in a manner that will enable them to achieve proficiency on the CATS test, regardless of socio-economic status, gender, race, or previous academic performance.

ARTICLE III. MEMBERSHIP

A. COMPOSITION

1. The school council shall consist of the principal, three teacher members, and two parent members.
2. If the school reaches 8 percent or more minority student enrollment, and there is no minority elected in the initial elections, a special election shall be conducted by the principal to elect a minority parent to serve on the school council.
3. In the event a special election is needed, a minority teacher from the school's staff shall be elected by the teachers. If there are no minority teachers on staff at the school, the teachers shall elect a non-minority teacher to represent the interests of the minority students in the school.
4. If there is a minority teacher on staff and he or she does not wish to serve on the council, the seat shall remain vacant until filled by a minority teacher.
5. Although there is no provision in KRS 160.345 for additional school council members, the school council does not wish to exclude any constituency in the school from participation in all council meetings. Therefore, the Student Council may designate a student council representative, and the support staff of the school (office, cafeteria, custodians, instructional assistants) may conduct an election for a support staff representative to attend all council meetings as ex officio members.

B. REQUIREMENTS FOR MEMBERSHIP

1. All Members: No one may serve on the school council who has a business interest in the school as designated by KRS 45A.340. New members (those with less than one year of service) must complete six (6) hours of training from a Kentucky Department of Education endorsed trainer. Experienced members

(those with more than one year of service) must complete three (3) hours of training from a Kentucky Department of Education endorsed training provider each year. In the event the council must select a principal, the council is required by law to obtain training in the recruitment and interviewing prior to beginning the principal selection process.

2. Teacher Members: Teacher council members must possess certification required for their position as a basis for employment in Kentucky public schools. Itinerant teachers may nominate, serve, and vote in our school. Counselors may serve as teacher council members. Principals or assistant principals may not serve as teacher council members, nor vote in teacher elections.
3. Parent Members: The legal definition of parent (KRS 160.345 1.c.) allows biological parents, stepparents, foster parents, or persons who have court ordered legal custody to be nominated or to vote. According to the law, parents who are nominated or who wish to vote must have a child “preregistered to attend” the school for next year. If a child is in preschool this year and will attend our school next year, the parents of that child would be eligible to be nominated, or vote in the election for next year’s school council. Parents of 5th graders who are exiting our school need to be nominated or vote in the middle school election.

Parent council members cannot be employed in or be related to someone who is employed in the school or in the district administrative offices. An Attorney General's Opinion [OAG 90-102] says that "relative" as used in this section should have the same definition found in KRS 160.180 and KRS 160.380 that applies to school boards. This means that a parent who is a "*father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law*" of someone who works at the school or in the district administrative offices could not be a parent council member. Parent members cannot be a board member or a board member’s spouse, nor can they have a business interest in the school.

C. ELECTIONS

1. Parent Members: Parents conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May by the school’s PTA for the purpose of electing two parent council members. Parent elections may be by plurality vote (two parents with the highest number of votes) unless PTA bylaws require a majority vote. The president of the PTA shall notify the principal in writing of the two parents elected within 24 hours of the final vote, and shall deliver all election materials to the principal the next business day after the election.
2. Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May for the purpose of electing three teacher council members. Teacher members must be elected by a simple majority (one half plus one) of the number of teachers assigned to the school. The process that teachers may use to elect their representatives should address the following areas:
 - ⇒ Nomination
 - ⇒ Preparation of Ballot
 - ⇒ Elections
 - ⇒ Absentee Ballots
 - ⇒ Procedures after First Round Ballots
 - ⇒ Delivery of election materials to the principal the next business day after the election

3. Term Limits: School council members can serve an unlimited number of terms as long as they meet the eligibility requirements.

4. Principal Role in SBDM Elections:

Other than conducting the election for the minority teacher and parent members in the event the school is required to do that, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents if requested to do so with logistics such as opening the building, providing space in the building, and assisting PTA or PTO and teachers with communicating election meeting times and dates. Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

D. REMOVAL OF MEMBERS

1. According to KRS 156.132, the commissioner of education may recommend removal of a school council member whom he has reason to believe is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance.
2. A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of 4/5 of the membership of the board of education after the recommendation of the commissioner of education pursuant to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council. KRS 160.347

E. FILLING VACANCIES

If a member of the council resigns or is removed from office, another member shall be elected in a special election held not more than one month after the vacancy occurs. The person elected in the special election shall serve the remainder of the term until July 1, and be eligible for re-election.

F. TERMS OF OFFICE

The terms of parent and teacher members shall begin on July 1 and end on June 30. Between the date of the elections and July 1, members-elect are expected to attend all council meetings.

ARTICLE IV. DUTIES OF OFFICERS AND COUNCIL MEMBERS

A. ELECTION OF OFFICERS

1. Officers shall include Chair, Vice Chair, and Secretary.
2. The vice chair of the school council shall be elected each July by council members and shall serve for one year. Re-election is permitted.
3. Except for the office of secretary, if a vice chair resigns his or her position, the council shall conduct a vote at that meeting to fill the position with another council member.
4. A motion to seek an alternative model allowing a council member other than the principal to serve as chair may be made by any council member at any regular meeting. A majority vote of the full council is required before an alternative model can be sought by the school council. A faculty vote must then be conducted, and the motion must pass by 2/3 in order to proceed with the model.

B. CHAIR

1. The principal shall be the chairperson of the school council. Duties of the chair include:
2. Conducting school council meetings
3. Compiling and distributing the agenda for council meetings
4. Serving as official custodian of council records
5. Stating when a consensus is present for the record
6. Coordinating standing and ad hoc committees
7. Carrying out any additional responsibilities as stated in these by-laws
8. Maintaining a file of all correspondence addressed to the school council (these records may only be discarded after having been brought to two council meetings)
9. Other duties as described in these by-laws

C. VICE-CHAIR

1. Duties of the vice-chair shall include:
2. Presiding over council meetings in the absence of the chair
3. Calling a special meeting of the council in the event a principal vacancy occurs
4. Conducting meetings necessary for the principal hiring process to take place

D. SECRETARY

A council secretary shall be appointed by the principal to keep minutes of all council meetings and to maintain council records.

E. COUNCIL MEMBERS

1. Duties of council members include:
2. Knowing and adhering to the mission, philosophy, and goals of Commonwealth Elementary School
3. Attending all council meetings, both regular and special
4. Encouraging and requesting opinions from their constituencies
5. Supporting, promoting, and communicating council decisions
6. Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council

ARTICLE V. COMMITTEES

A. PURPOSE

1. Standing and ad hoc committees are established to gain input from all stakeholders including certified and classified staff parents, students, and community member.

2. Standing and ad hoc committees shall serve as a council resource for gathering data and information and making recommendations to the school council.

B. APPOINTMENT OF COMMITTEES

1. Standing and ad hoc committees are formed and dissolved by the school council as needed.
2. Standing committees can be dissolved only through the process of amending by-laws.

C. MEMBERSHIP & ELECTION OF CHAIR

1. All certified staff may participate in the shared decision making process at Commonwealth Elementary School by serving on committees in their areas of interest.
2. Each committee shall consist of representatives from the faculty, support staff, parents, and students.
3. Committee membership is open to interested persons.
4. Committee membership will be determined by posting sign up sheets in the school and community no later than May 1, and notifying teachers and parents in writing of their committee appointment by July 1. Teachers or parents who volunteer to serve on a particular committee through the sign-up process below shall be considered appointed to the committee .
5. Committee membership shall be limited to 15 persons, as the discretion of the school council.
6. Committees shall elect a chairperson from their membership no later than September 1 who shall serve for a term of no longer than one year.

D. DECISION MAKING

Committee decisions shall be made by consensus. In the event that consensus is not possible, a majority of the committee may decide that an issue shall be decided by majority vote.

E. DUTIES

1. Committees shall carry out tasks assigned to them by the school council.
2. Committees may decide to bring issues of concern or interest to the school council.
3. Committees may research issues, gather school-wide input, or prepare first and revised drafts of school council policies.
4. Committee chairs or their designees will report at each regular council meeting, or as requested by the school council.
5. Committee chairs shall provide the council secretary with written minutes of their meetings no later than 10 days after the meeting occurred.

F. MEETINGS

1. Each committee shall choose the time, place, agenda, and schedule for their meetings.
2. Committees must comply with all provisions of the Open Meetings and Open Records laws.

G. STANDING COMMITTEES

1. Standing committees for Commonwealth Elementary School shall include: Curriculum, Budget, Governance, Professional Development, Assessment, and Planning.
2. Continued need for standing committees will be reviewed and confirmed by the school council each August at their regularly scheduled meeting.
3. A list of standing committees, a brief description of their purpose, and a list of each committee's membership shall be contained in Appendix A of this document.

ARTICLE VI. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The regular monthly meeting of the Commonwealth Elementary School Council shall be the second Tuesday of every month. Council meetings shall be open to the public. Meetings will begin at 6:30 p.m. and end at 8:00 p.m. Meetings shall not exceed 90 minutes. If all items on the agenda have not been adequately discussed after 90 minutes, the council may decide by motion, second and majority vote to extend the length of the meeting or to place the remaining agenda items on the next month's agenda or on the agenda for a special meeting.
2. The regular monthly meetings will be held at the Commonwealth Elementary School Library.
3. The principal shall provide local news media of the council's regular meeting schedule for the year in July, and provide notification of the council's meeting time and agenda at least one week in advance of each regular meeting.
4. The principal shall notify parents of council meetings each month using the school lunch menu which is to be distributed to all parents, by placing the words "School Council Meeting, 6:30 p.m." in the appropriate days' space on the menu.
5. The principal shall announce the meeting to parents by memorandum at least three days in advance of the meeting. The notice shall include the agenda.
6. The principal shall notify teachers three days in advance of each council meeting during the morning announcements on the school PA system, to include the time, place and agenda items.
7. The principal shall notify the public by notice posted on the bulletin board in the school foyer at least three days in advance of the meeting.

B. SPECIAL MEETINGS

1. If the council needs to meet between regular meetings, or if the regular meeting is rescheduled, the chairperson or a majority of the school council members may call a special meeting. The following steps must be completed by the chairperson when a special meeting is called:
 2. Written Notice: Contents. The chairperson shall prepare and sign a written notice that states the date, time, and place of the special meeting and the agenda for each meeting. Only the items on the agenda may be discussed.
 3. Delivery of Notice. The chairperson shall arrange for the notice to be delivered to each council member and to any media organization that has requested notice of council meetings. The delivery can be by hand, FAX machine, or mail but the notice must be received at least 24 hours prior to the time of the meeting.

4. Posting of Notice. The notice for the special meeting shall be posted by the chairperson on the bulletin board in the school foyer at least 24 hours prior to the time of the meeting.
5. In addition to these requirements, the principal shall announce to teachers the time and the reason for the special called meeting during announcements on the school's PA system at least 24 hours prior to the meeting.

ARTICLE VII. CONDUCT OF MEETINGS

A. QUORUM

A quorum of the school council shall be a majority (one-half plus one) of the council members. No council business shall be discussed or conducted unless a quorum of council members is present.

B. ATTENDANCE AT MEETINGS

Council meetings are open to the public and all interested persons can attend, except for those portions that are conducted as closed session.

C. CLOSED SESSIONS

Definition: A closed session is a portion of a regular or special meeting of the council during which the council members meet in private. The council may meet in closed session for the following reasons:
to discuss proposed or pending litigation by or against a council member [KRS 61.810(1)(c)] ; or
to discuss candidates for a principal vacancy or conduct consultation in filling other vacancies [KRS 61.810(1)(f)].

Before a closed session can be conducted, the following steps must be taken:

1. Announcement: Contents. An announcement of the general nature of the subject to be discussed and the specific section of the law that allows the conduct of the closed session must be announced in the open meeting and recorded in council minutes.
2. Motion. The motion to go into closed session must be made, passed by a majority of council members present, and recorded in council minutes.
3. Closed Session. During the closed session, only the business stated in the announcement can be discussed, and no action may be taken. No minutes are to be taken in closed session. If the council secretary is not a council member, the secretary shall not enter the closed session. Details discussed in closed session shall not be discussed outside the closed session.
4. Decision. After full discussion of the issue in closed session, the council must return to open session where it may take any official action on the matter. Any actions taken must be recorded in council minutes.

D. MATERIALS PRESENT AT COUNCIL MEETINGS

1. The chairperson shall bring:
 - The folder containing all items submitted for inclusion on the agenda.
 - The folder containing all correspondence addressed to the council that he or she has received.
 - Monthly financial report from the central office.
 - Lists of applicants for vacant positions
 - Updated SBDM Technical Assistance Materials from the KDE web page
 - Robert's Rules of Order

1. The council secretary shall bring the binder that he or she uses to maintain copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes.
2. All council members shall bring their binders containing copies of the council's by-laws, policies, and school plan.

E. AGENDA

1. Anyone may submit items for inclusion on the agenda to the chairperson/principal in writing on the standard form provided by the Monday prior to a regularly scheduled council meeting. The principal shall maintain a complete file of these items.
2. The chairperson shall prepare a preliminary agenda for each regular council meeting, including items submitted in writing for inclusion by the public, staff, parents, other council members and other items he or she believes should be on the agenda. The chairperson may declare an item received as not within school council authority.
3. Each agenda shall include the following items:
 - Item 1: Setting of the final agenda for the current meeting.
 - Item 2: Review and approval of previous meeting minutes.
 - Item 3: An opportunity during the course of the meeting for school or community persons to address the school council.
 - Item 4: Other items submitted.
4. The preliminary agenda shall be distributed to all staff members, school or community persons who submitted items in writing for inclusion prior to the meeting. A copy of the preliminary agenda shall be mailed to local news media.
5. Setting of the final agenda shall be the first order of business conducted at each regular council meeting, and council members may introduce issues for inclusion on the current agenda at that time. The agenda shall be approved by motion and vote of the council. At a special called meeting, only the items listed on the notice of meeting can be discussed and no new items can be introduced for discussion or inclusion on the agenda.

F. DISCUSSION OF AGENDA ITEMS

1. Each agenda item shall be discussed by the school council before a decision is made. Each council member shall be given an opportunity to express his or her opinion on the item.
2. Other persons attending the meeting may be recognized by the chairperson and may address the council as the chair calls upon them to speak. If a significant number of persons wishes to contribute to the discussion on a particular item, the chair may set limits on the number of persons who will speak to the issue, and a time limit for each.
3. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the council.

G. DECISION MAKING PROCESS

1. Unless otherwise specified by these by-laws, the school council shall use parliamentary procedures as specified by Robert's Rules of Order.
2. All business and decisions of the school council will relate to the schools mission and purpose to improve the instructional program and/or further the goals in the school's transformation plan.

3. No proposed policy may be approved by the school council at the same meeting at which it was initially proposed for study.
4. All decisions and policies officially adopted by the Commonwealth Elementary School Council will be reported to the board of education and superintendent through submission of approved council minutes to the SBDM district coordinator.
5. The school council will make decisions by consensus except as otherwise designated in the by-laws using the following guidelines:
 - ⇒ A motion and a second are made.
 - ⇒ After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
 - ⇒ The chair will ask whether any member disagrees with that statement.
 - ⇒ If all members agree, the decision will be recorded as a unanimous decision in the council minutes.
 - ⇒ If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

H. ALTERNATIVE TO CONSENSUS

When a third suggestion of consensus fails, the council may by majority vote determine to:

1. vote to send the issue back to a committee
2. form an ad hoc committee to study the issue further (the motion on this vote shall include a regular meeting date when the council will hear from the committee), or
3. decide the issue by majority vote of the council

I. CRITERIA FOR MAJORITY VOTE

A majority vote of the council shall be taken after consensus fails three times if the issue meets the following criteria:

1. The issue involves the selection of a new principal: the council shall vote and the candidate receiving the majority shall be selected.
2. The issue involves the number of persons to be employed in each job classification, the textbooks to be purchased, or the budget for or purchase of student support services;
3. The issue is whether to continue to meet for longer than 90 minutes.
4. The federal or state government or the district board of education has set a deadline by which the school council must make a final decision and that deadline will occur before the next regular council meeting; and
5. The members of the council cannot agree by consensus to decide the issue at a special meeting and a majority of the council members wish to decide the issue by a majority vote. When the above exceptions do not apply and consensus cannot be reached, the issue may be placed on the agenda for the next regular meeting or special meeting and the decision may be made at that meeting by majority vote of the council. When voting, any abstention is counted with the majority vote.

ARTICLE VIII. MINUTES AND OTHER COUNCIL RECORDS

A. MINUTES KEPT AND APPROVED

1. Minutes shall be kept for each meeting of the school council.
2. The minutes shall reflect an accurate record of actions and votes taken at a council meeting. Minutes shall show the words of the motion or suggestion of consensus, and the majority vote or unanimous support.
3. If the action taken was the adoption of a policy, the entire text of the policy shall be attached to the copy of the minutes kept on file in the library for public inspection and filed in the council's policy manual.
4. The minutes of the school council shall not be official until they are reviewed and approved by the council.
5. A preliminary copy of the minutes for all council meetings will be provided to certified and classified staff in written form within 72 hours of the adjournment of the meeting.
6. A copy of the minutes will be mailed to parent council members prior to the next meeting for their review, and after they become official for their records.
7. A copy of the "official" minutes will be given to the student council.
8. The principal will forward an official copy of the minutes to the superintendent and SBDM District Coordinator, and keep an official copy on file in the school.
9. A copy of the official minutes will be posted on the bulletin board in the foyer by the chairperson.

B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION

The following are official documents that must be kept on file for public inspection in the library:

1. School Council Minutes and Agendas
2. Committee Minutes and Agendas
3. Consolidated Plan (CATS Scores, Needs Assessment)
4. School Council Policies and By-Laws
5. School Council Budget Documents not in the School Plan
6. School Council and Committee Membership Lists
7. Official correspondence

C. REQUESTS FOR COUNCIL RECORDS

1. Requests for council records must be made in writing to the principal. Requests must include specific documents and dates.
2. The fee for copying of council records shall be 10 cents per copy unless the request is for the Consolidated Plan document.
3. The fee for a copy of the Consolidated Plan document shall be the school's cost for one copy, as per printing records.

4. The requested records must be provided to the person making the request within three business days (The attorney general ruled in 01-ORD-94 (May 2001) that the only days that are excluded are legal holidays and weekends. As a result, the fact that a school may be closed over the winter holidays or spring break and no one is in the office does not prevent the clock from running on the three-day response requirement.)
5. The school council secretary shall make or provide copies of requested documents at the principal or chairperson's request.
6. School council records will be available for inspection during the hours the school's library is open (est. 8:00 a.m. - 3:00 p.m.)
7. The custodian of records for the school shall be the principal, and the principal shall make the final determination regarding which records not listed above are available for inspection and all matters in regards to open records requests not covered in this policy, in compliance with state guidelines and requirements.

ARTICLE IX. APPEALS

A. REQUEST

For a person (s) to appeal a decision of the council or file a grievance he/she must first request in writing an opportunity to be heard and shall include information about the grievance issue.

B. SCHEDULE

A council shall schedule a hearing within thirty (30) working days form the date the request is received. The person appealing shall be informed of the hearing by registered letter.

C. HEARING

The person appealing may be represented by legal council and may call witnesses as long as the testimony is germane to the issue.

D. DECISION

The council shall consider the merits of the complaint, make a decision, and respond writing the complaint.

E. REPORT

A copy of the written grievance or appeal, and a written reply by the council shall be provided to the superintendent with ten (10) working days of the council's decision.

ARTICLE X. AMENDMENTS

A. AMENDMENTS TO COUNCIL BY-LAWS

These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.